

# IRO America Inc.

## An Independent Review Organization

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December 28, 2005

TDI-DWC Medical Dispute Resolution

Fax: (512) 804-4868

Patient: \_\_\_\_\_

TDI-DWC #: \_\_\_\_\_

MDR Tracking #: M2-06-0403-01

IRO #: 5251

IRO America Inc. (IRO America) has been certified by the Texas Department of Insurance as an Independent Review Organization. The TDI, Division of Workers' Compensation (DWC) has assigned this case to IRO America for independent review in accordance with DWC Rule 133.308 which allows for medical dispute resolution by an IRO.

IRO America has performed an independent review of the proposed care to determine if the adverse determination was appropriate. In performing this review, all relevant medical records and documentation utilized to make the adverse determination, along with any documentation and written information submitted, was reviewed.

The independent review was performed by a matched peer with the treating doctor; the Reviewer is a credentialed Panel Member of IRO America's Medical Knowledge Panel who is a licensed MD, board certified and specialized in Pain Medicine. The reviewer is on the DWC Approved Doctor List (ADL).

The IRO America Panel Member/Reviewer is a health care professional who has signed a certification statement stating that no known conflicts of interest exist between the Reviewer and the injured employee, the injured employee's employer, the injured employee's insurance carrier, the utilization review agent, or any of the treating doctors or insurance carriers health care providers who reviewed the case for decision before referral to IRO America for independent review. In addition, the reviewer has certified that the review was performed without bias for or against any party to the dispute.

### RECORDS REVIEWED

Notification of IRO Assignment, records from the Requestor, Respondent, and Treating Doctor(s), including: Treating physician's notes, lumbar and left knee imaging reports, functional capacity evaluation, designated doctor's report.

### CLINICAL HISTORY

Ms. \_\_\_ sustained a low back and left knee injury on \_\_\_, when impacted by a food cart. She underwent extensive conservative therapy including physical therapy and lumbar injections that failed to adequately relieve her symptoms. She ultimately underwent a left knee arthroscopic

surgery and L5-S1 ALIF in the last half of 2004. After these, she underwent courses of physical therapy.

### **DISPUTED SERVICE(S)**

Under dispute is the prospective, and/or concurrent medical necessity of 20 sessions of chronic pain management.

### **DETERMINATION/DECISION**

The Reviewer agrees with the determination of the insurance company.

### **RATIONALE/BASIS FOR THE DECISION**

This Patient has had an adequate and extended course of conservative treatment for her injuries. There is a paucity of sustainable improvement reported in the postoperative therapy notes. The stated goal of the chronic pain treatment program includes increasing the patient's desire and confidence to return to work, manage the difficulties of the work environment, and increase the patient's employability through therapies and transition to employment or employment training. There is already documentation of her desire to return to work in the notes reviewed. She has been discharged from the job that she had and will therefore not face the same difficulties in her work environment. In fact, there is no certain work environment to which she will be returning. Finally, it is evident that she has had quite a bit of physical therapy which has very likely increased her employability as much as will be possible in this context. Going through a chronic pain program at this point is unlikely to make any substantive difference in the outcomes alluded to above.

### **Screening Criteria**

#### 1. General:

In making his determination, the Reviewer had reviewed medically acceptable screening criteria relevant to the case, which may include but is not limited to any of the following: Evidence Based Medicine Guidelines (Helsinki, Finland); Texas Medical Foundation: Screening Criteria Manual (Austin, Texas); Texas Chiropractic Association: Texas Guidelines to Quality Assurance (Austin Texas); Texas Medical Foundation: Screening Criteria Manual (Austin, Texas); Mercy Center Guidelines of Quality Assurance; any and all guidelines issued by DWC or other State of Texas Agencies; standards contained in Medicare Coverage Database; ACOEM Guidelines; peer-reviewed literature and scientific studies that meet nationally recognized standards; standard references compendia; and findings; studies conducted under the auspices of federal government agencies and research institutes; the findings of any national board recognized by the National Institutes of Health; peer reviewed abstracts submitted for presentation at major medical associates meetings; any other recognized authorities and systems of evaluation that are relevant.

### **CERTIFICATION BY OFFICER**

IRO America has performed an independent review solely to determine the medical necessity of the health services that are the subject of the review. IRO America has made no determinations regarding benefits available under the injured employee's policy.

As an officer of IRO America Inc., I certify that there is no known conflict between the Reviewer, IRO America and/or any officer/employee of the IRO with any person or entity that is a party to the dispute.

IRO America is forwarding by mail or facsimile, a copy of this finding to the DWC, the Injured Employee, the Respondent, the Requestor, and the Treating Doctor.

Sincerely,

**IRO America Inc.**



Dr. Roger Glenn Brown

**President & Chief Resolutions Officer**

Cc: Robert Earle  
Attn: Nora  
Fax: 956-686-9444

Indemnity Ins. Co. of Nort. / St. Paul Travelers  
Attn: Jeanne Schafer  
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Marc McDaniel  
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### **Your Right To Appeal**

If you are unhappy with all or part of this decision, you have the right to appeal the decision. The decision of the Independent Review Organization is binding during the appeal process.

If you are disputing the decision (other than a spinal surgery prospective decision), the appeal must be made directly to a district court in Travis County (see Texas Labor Code §413.031). An appeal to District Court must be filed not later than 30 days after the date on which the decision that is the subject of the appeal is final and appealable. If you are disputing a spinal surgery prospective decision, a request for a hearing must be in writing and it must be received by the Division of Workers' Compensation, Chief Clerk of Proceedings, within ten (10) days of your receipt of this decision.

The party appealing this decision shall deliver a copy of its written request for a hearing to other party involved in this dispute.

I hereby certify, in accordance with DWC Rule 102.4 (h), that a copy of this Independent Review Organization decision was sent to the carrier, requestor, claimant (and/or the claimant's representative) and the DWC via facsimile, U.S. Postal Service or both on this 28<sup>th</sup> day of December, 2005.

Name and Signature of IRO America Representative:

Sincerely,

**IRO America Inc.**

A handwritten signature in black ink, appearing to read "Dr. Roger Glenn Brown", with a long horizontal flourish extending to the right.

Dr. Roger Glenn Brown

**President & Chief Resolutions Officer**